

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PAULO LANZAROTTI,

Plaintiff,

-against-

VARITALK, LLC, et al.,
Defendants.

MEMORANDUM AND ORDER

09-CV-1776 (KAM)(JO)

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MATSUMOTO, United States District Judge:

Presently before the court is a Report and Recommendation issued by Magistrate Judge James Orenstein on July 29, 2010, recommending that the court dismiss plaintiff Paulo Lanzarotti's claims against defendant Derek Goldberg ("Goldberg") for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).¹ (Doc. No. 22, Report and Recommendation at 1, 3.)

Notice of the Report and Recommendation was sent electronically to the parties appearing on the docket via the court's electronic filing system on July 29, 2010. As explicitly noted at the end of the Report and Recommendation, any objections to the Report and Recommendation were to be filed by August 17, 2010. (Report and Recommendation at 3-4.) The statutory period for filing objections has expired, and no objections to

¹ The plaintiff and defendant Frederick Lowe entered into a stipulation of dismissal with prejudice, which was so ordered by this court on November 4, 2009. (Doc. No. 18, Stipulation of Dismissal.) Plaintiff also entered into a stipulation of dismissal without prejudice with defendant Varitalk LLC, which

Magistrate Judge Orenstein's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a review of the Report and Recommendation, and considering that the parties have failed to object to any of Magistrate Judge Orenstein's well-grounded recommendations, the court finds no clear error in Magistrate Judge Orenstein's Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court.

As the plaintiff has dismissed all claims against the remaining defendants, there are no claims pending against any defendant in this case. The Clerk of the Court is respectfully ordered to enter judgment dismissing the claims against defendant Derek Goldberg with prejudice in accordance with Magistrate Judge

was so ordered by this court on December 16, 2009. (Doc. No. 21, Stipulation of Dismissal.)

Orenstein's Report and Recommendation and to close this case.

SO ORDERED.

Dated: September 13, 2010
Brooklyn, New York

_____/s/
Kiyoo A. Matsumoto
United States District Judge